

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**TODD LANCASTER,**

**Plaintiff**

:

:

**No. 1:23-cv-00874**

**v.**

:

:

**(Judge Rambo)**

**LACKAWANNA COUNTY,**

**Defendant**

:

**ORDER**

**AND NOW**, on this 24th day of July 2023, upon consideration of pro se Plaintiff Todd Lancaster (“Plaintiff”)’s complaint (Doc. No. 1), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT**:

1. Plaintiff’s motion for leave to proceed in forma pauperis (Doc. No. 2) is **GRANTED**, and Plaintiff’s complaint (Doc. No. 1) is **DEEMED** filed;
2. Plaintiff shall pay the full filing fee of \$350.00 based on the financial information provided in the application to proceed in forma pauperis. The full filing fee shall be paid regardless of the outcome of the litigation;
3. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden or other appropriate official at Plaintiff’s place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
  - a. The average monthly deposits in the inmate’s prison account for the past six months, or
  - b. The average monthly balance in the inmate’s prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of

Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent/Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number;

4. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff is presently confined;
5. Plaintiff's complaint (Doc. No. 1) is **DISMISSED** for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2);
6. Plaintiff is **GRANTED** leave to amend his Monell claim against Defendant Lackawanna County;
7. The Clerk of Court is directed to **SEND** Plaintiff a form civil rights complaint;
8. Plaintiff shall complete the form complaint and file it with the Court. Plaintiff shall title his form complaint "Amended Complaint" and shall include the docket number for this case, 1:23-cv-00874;
9. Plaintiff shall file his amended complaint against Defendant Lackawanna County within thirty (30) days of the date of this Order; and
10. In the event that Plaintiff does not file an amended complaint within the thirty (30) days or seek an extension of time in which to do so, then the Court will dismiss this action without prejudice.

s/ Sylvia H. Rambo  
**SYLVIA H. RAMBO**  
United States District Judge